

Planning & Development Committee
Wednesday, May 3, 2017 – 5:30 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Paul Lundberg; Vice Chair, Councilor Melissa Cox; Councilor Valerie Gilman
Absent: None.

Also Present: Chip Payson; Chris Sicuranza

The meeting was called to order at 5:30 p.m.

1. Memorandum from Interim Community Development Director re: renewal of Rocky Neck Cultural District (RNCD) designation

The following information was conveyed by **Suzanne Gilbert Lee**, Executive Director of the Rocky Neck Art Colony, Inc. (a 501(c)3 organization):

The Rocky Neck Cultural Center was cited as the biggest accomplishment in the first five years of the RNCD with the facility purchased and paid for by the Rocky Neck Art Colony, Inc. In addition to Ms. Lee's office, the Cultural Center is the locus for cultural programming for the District year round acting as an exhibition space; utilized by District partnerships for their events, and other community events. The Cultural Center and the RNCD has given rise to partnerships with other non-profit organizations within the region.

The North Shore Art Association (NSAA) and the Gloucester Writer's Center were hoped to be initially part of the RNCD but that the Mass. Cultural Council ruled in the initial application that the District needed to be a smaller walking space for the initial designation which starts at the Gloucester Stage Company. The RNCD was urged with this renewal of the District to now include NSAA and the Writer's Center and ask that the borders of the District be expanded (revised RNCD map on file).

In the previous year a grant awarded with the Mass. Cultural Council for the Cultural District initiative, the RNCD was awarded \$5,000 which was matched with \$4,000 in the city budget for the RNCD, and then additionally the RNCD raised \$1,000 to complete the grant match that paid for a new RNCD sign at the head of the Rocky Neck causeway parking lot as a wayfinding device for the assets in the District. With other monies from that grant the RNCD partnered with Ocean Alliance for co-exhibition with the NSAA on the "Art of Science and the Sea." The RNCD will again partner with Ocean Alliance for an artist fellowship to bring in an artist to utilize the Ocean Alliance mission using that organization's mission to create an art installation on the Ocean Alliance property. Of note this weekend, the now annual Rocky Neck 5K sponsored by the RNCD takes place. The renovation of Madfish Wharf is underway with new artists renovating and leasing spaces was noted as well as on-going visioning meetings taking place within the District's community.

COMMITTEE RECOMMENDATION: On motion by Councilor Cox, seconded by Councilor Gilman, the City Council voted 3 in favor, 0 opposed, to adopt a resolution under MGL c.10, §58A by the City of Gloucester, Massachusetts, to renew a state-authorized cultural district for at least five (5) years named:

Gloucester's Rocky Neck Cultural District

WHEREAS, the City wishes to renew a state-authorized cultural district through the enabling legislation Massachusetts General Laws, Chapter 10, Section 58A;

WHEREAS, the City has a mixed-use geographical area that has a concentration of cultural facilities and assets;

WHEREAS, the City Council held a public hearing and adopted a Resolution on May 23, 2017, proclaiming its interest in establishing a state-designed cultural district;

WHEREAS, the City created a broad and diverse Partnership of stakeholders committed to cultural, community and economic development to provide oversight of the district, known as the East Gloucester Cultural District Partnership, comprised of the City of Gloucester, the Rocky Neck Art Colony, the Gloucester

Stage Company, the Gloucester Writers Center, and the North Shore Arts Association, and other stakeholders who may be added as partners as warranted;

WHEREAS, the Massachusetts Cultural Council will be petitioned in accordance with its guidelines and criteria to designate said cultural district;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gloucester that the City of Gloucester:

Article 1. Endorses the submission of this reapplication and agrees to foster the continuing development of a cultural district at East Gloucester (Map attached).

Article 2. Endorses the state-sponsored cultural district goals: attracting artists and cultural enterprises, encouraging business and job development, establishing tourist destinations, preserving and reusing historic buildings, enhancing property values and fostering local cultural development.

Article 3. Will appoint a City official, (James Destino, Chief Administrative Officer), to represent the City within the District Partnership of said cultural district.

Article 4. Encourages all who own property or businesses within said cultural district to involve themselves and participate in the full development of the cultural district.

Article 5. Directs City agencies to identify programs and services that could support and enhance the development of the cultural district and ensure that those programs and services are accessible to the cultural district.

2. *SCP2017-004: Commercial Street #33, Map 1, Lot 22 in the MI District for an Open Air Parking Space Permit pursuant to GZO Sec. 2.3.6.1 and GCO Sec. 22-153 -- This matter is returned to the P&D Committee from the City Council meeting of 04/25/17 pending Legal Counsel Advice*

Councilor Lundberg reviewed that: at the April 25 Council meeting the Council permitted by this applicant an Open Air Parking Lot on the property of 44 Commercial Street. During the review of the second Special Council Permit application by the same applicant immediately following, during that public hearing (SCP2017-004 for Commercial Street #33), Lee Delliker, Windover Construction's President identified himself as the purported representative for the Beauport Hotel, with nothing submitted in writing attesting to that fact, who said that there was a legal dispute involving the site use at #33 Commercial Street. Upon learning of this possible conflict, the Council sent this matter back to P&D for clarification. He advised there is a bona fide application from the applicant, William Mondello, to establish an Open Air Parking Lot on file but that is all the Council has.

Chip Payson, General Counsel, advised that Sherri Zizik, Partner, Beauport Hotel ("Hotel") and her attorney, John Cunningham of Cunningham & Cunningham, 59 Main Street, were also present. He then explained that he spoke with Lawrence Kaplan, a Land Use Attorney at the law firm of Goodwin & Proctor in Boston who also represents the Hotel. He said he understands that on July 7, 2011, Beachfront LLC, subsequently renamed Beauport LLC entered into an agreement with 1907 LLC in which 1907 LLC granted the Hotel an easement to use some of the spaces for their tenants and occupants of the property at certain times. The easement was put into escrow with Fidelity because there was a mortgage on the property. In the easement language August 1, 2016 was a "trigger" date where the mortgage was to be satisfied and that at that time the Hotel can remove the easement out of escrow and record it. They have not recorded the easement yet but they can, he pointed out. The easement specifies that the Hotel can use 33 Commercial Street from 5:30 p.m. to 3:00 a.m. weekdays and all day Saturday and Sunday and holidays.

He pointed out that the (Special Council Permit) application submitted on March 17, 2017 requests that the public be able to use that same property from 6:00 p.m. to 8:00 a.m. on weekdays from Friday at 6:00 p.m. to Monday at 8:00 a.m. on weekends and then closed during Fiesta and the day of the Blackburn Challenge.

Mr. Payson expressed concern that there is an agreement that exists that hasn't yet but could be recorded at any time. Then there is an application to the city that is in direct conflict with the times which overlap the current application with the previous agreement. He expressed further concern that should the Council approve this application, which he said they could, should a lawsuit arise over this issue, the city would be a party to it. He said

as the city's legal representative, he was advising that the city didn't want to be involved in such a lawsuit. He pointed out that if the easement didn't exist this matter wouldn't be an issue; but if the issues surrounding the agreement become resolved with the conflicting parties, he said that then he would not have an issue with the Council (moving forward). He reiterated his concern about the Council moving forward on this application given the current circumstances and cautioned that this is also a risk of resources that the city would have to expend.

William Mondello, 60 Western Avenue, Essex, applicant for a Special Council Permit to operate a privately owned open-air parking lot in the MI District, at 33 Commercial Street, conveyed that his understanding is that this agreement may exist after the purchase and sale of a property and its subdivision and said he wasn't aware of the agreement or of the Hotel using the property after hours. He advised he had knowledge of complaints of use by the Hotel of the property from the building's tenants. He asked that this matter be postponed so that he has an opportunity to confer with his lawyer and General Counsel. He reiterated he was told by the property owner what he has conveyed about it. **Mr. Payson** said the conversation is between the Hotel's legal representative and Mr. Mondello's lawyer to resolve this issue, pointing out this is a private business matter. If that can be resolved then he said the Council could act.

Councilor Cox advised that Mr. Mondello should not withdraw his Special Council Permit application, and suggested that the public hearing could be continued (to a date certain) when reopened on May 9 to give all parties a chance to resolve their issues.

This matter is continued to June 21, 2017.

3. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" (TBC 05/17/17 for sole purpose of Overview of Major Project by Applicant & then TBC to 06/07/17 pending departmental reviews and Planning Board recommendation)*

This matter is continued to May 17, 2017 when the applicant will make an overview presentation. Following that, the Committee will continue this matter to June 7, 2017 when it anticipates having in hand departmental reviews and recommendations and a recommendation of the Planning Board.

4. *CC2017-009 (Orlando) Request that the Zoning Ordinance be amended by ADDING new Sections 1.5.4.1 "Zoning Administrator" and 5.29 "Certain Pre-Existing Multi-Family Use;" and AMENDING Sections 1.5.1, 1.8.1, 1.8.2, 2.2.1, 2.3.1 re: "Administration and Procedures" and "Use Regulations" (TBC 0 //17)*

This matter is continued to June 7, 2017 pending a Planning Board recommendation.

A motion was made, seconded and voted unanimously to adjourn the meeting at 5:50 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.

TRUE COPY ATTEST
Joanne M. Sena
CITY CLERK

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Councilor Cox advised that Mr. Mondello should not withdraw his Special Council Permit application, and suggested that the public hearing could be continued (to a date certain) when reopened on May 9 to give all parties a chance to resolve their issues.

This matter is considered closed.

3. *SCP2017-006: Great Republic Drive #38, Map 263, Lot 64, GZO Sec. 1.5.3(c), 5.7 "Major Project" and Sec. 5.27 "Medical Marijuana Treatment Centers & Medical Marijuana Cultivation Facilities" (TBC 05/17/17 for sole purpose of Overview of Major Project by Applicant & then TBC to 06/07/17 pending departmental reviews and Planning Board recommendation)*

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